IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 626 of 2005 (S/S)

Gopi Nath Sarkar
S/o Sri Rampad Sarkar
Presently posted as Assistant Teacher
Purva Madhyamik Vidyalaya
Pichhaltana, Block – Ramgarh,
District Nainital.
Permanent resident of Transit Camp Rudrapur,
District Udham Singh Nagar

…….. Petitioner

Versus

1. State of Uttaranchal through Secretary
   Basic Education, Govt. of Uttaranchal
   Dehradun.
2. Joint Director of Education (Basic)
   Kumaon Division Nainital.
3. Basic Shiksha Adhikari (Service)
   Nainital.
4. Basic Shiksha Adhikari,
   District Udham Singh Nagar.

…… Respondents

Ms. Vikas Pandey, learned counsel for the petitioner.
Mr. Harendra Belwal, learned Brief holder for the State.

Hon'ble Rajesh Tandon, J.

By means of present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to relieve the petitioner for district Udham Singh Nagar from district Nainital on vacant post of Assistant Teacher.

2) Briefly stated, the petitioner was originally employed as Assistant Teacher in district Nainital prior to bifurcation of the district Udham Singh Nagar and Nainital. At the time of bifurcation, the petitioner was required to give his option. He has sent his option for district Udham Singh Nagar at that time. He made various representations but his representation has not

been considered by the concerned authorities for his joining at Udham Singh Nagar.

3) Learned counsel for the petitioner has submitted that the facts of the present case is identical to the writ petition No. 837 (S/S) of 2001 which was disposed of vide Order dated 23.07.2004 of this Court.

4) I have gone through the said judgment. The facts of the present case is identical to the case cited above. Therefore, the writ petition is disposed of in terms of the judgment declared in said case (Annexure- 3 to this writ petition). The writ petition is disposed of accordingly.

(Rajesh Tandon, J.)

Dt.: 20th May, 2005
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